

## **REMARKS/ARGUMENTS**

Claims 10, 61, 62, and 65-70 are pending in the present application. Claims 11-60, 63, 64, and 71-75 are canceled; claims 1-9 are withdrawn; and claims 61, 65, 66 and 69 are amended. Support for the amendments can be found in the specification at p.3, ll.8-30; p.4, ll.1-6; p.8, ll.9-12; p.10, ll.15-19; p.12, ll.21-26; p.13,ll..3-7; p.15, ll.28-30; p.16, ll. 15-31;p.17, ll.15-31, p.18, ll.26-28; p.19, ll.3-19. Reconsideration of the claims is respectfully requested.

### **I. 35 U.S.C. § 112, Second Paragraph**

The Examiner rejected claims 61-62 and 64-70 under 35 U.S.C. § 112, second paragraph, as indefinite. Regarding claim 61, and the remaining claims, Applicants have amended the claims to specify a single message that is incoming and outgoing. Support for this amendment is provided above. This amendment should satisfy the Examiner's concerns under 35 U.S.C. § 112, Second Paragraph.

Regarding claim 64, Applicants have canceled this claim. Therefore, the rejection with respect to claim 64 is moot.

### **II. 35 U.S.C. § 103, Obviousness**

The Examiner rejected claims 10, 61-62 and 64-70 under 35 U.S.C. § 103 as obvious over *Orton*, U.S. Patent Number 6,438,555, hereinafter “*Orton*”, in view of *Chuah et al.*, U.S. Patent Number 6,735,190, hereinafter “*Chuah*.<sup>1</sup>” The Examiner failed to state a prima facie obviousness rejection against 10, 61-62 and 65-70 because *Orton* is not prior art. *Orton* is not prior art because *Orton* qualifies for the exception under 35 U.S.C. 103(c)1, which provides:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This continuation application 10/718,098 claims the benefit of the January 26, 2000 filing date of the parent application number 09/492,046. (See Preliminary Amendment dated November 30, 2003).

*Orton* has a publication date of August 20, 2002 and a filing date of November 2, 1999. Thus *Orton* qualifies only as a reference under 35 U.S.C. § 102(e). Application 09/492,046 and *Orton* were, at the time of the invention of Application 09/492,046 was made, owned by Nortel Networks Limited. Application 10/718,098 and *Orton* were, at the time the invention of Application 10/718,098 was made, owned by Nortel Networks Limited. These statement alone, in combination with the present facts, are

sufficient evidence to disqualify *Orton* from being used in a rejection under 35 U.S.C. 103(a) (*See* MPEP 706.02(l)(2)).

**III. Conclusion**

The subject application is patentable over the cited references. Therefore, the subject application should now be in condition for allowance. Applicants invite the Examiner to call the undersigned at the below-listed telephone number if, in the opinion of the Examiner, a telephone conference would expedite or aid the prosecution of this application.

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Respectfully submitted,

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